



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

November 8, 2011

TERRI MORGAN, TREASURER  
OHIO REPUBLICAN PARTY STATE CENTRAL  
& EXECUTIVE COMMITTEE  
211 S. FIFTH STREET  
COLUMBUS, OH 43215

**Response Due Date**  
**12/13/2011**

IDENTIFICATION NUMBER: C00162339

REFERENCE: AMENDED 30 DAY POST-GENERAL REPORT (10/14/2010 -  
11/22/2010), RECEIVED 06/09/2011

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 10 item(s):

1. Your amended report discloses additional new debts totaling \$26,878.68 on Line(s) 10 of the Summary Page that were not disclosed on your original report. Please provide clarifying information as to why this activity was not disclosed on your original report. 11 CFR §104.3
2. Your report disclosed certain categories of financial activity that have been reflected on the wrong lines of the Detailed Summary Page. Transfers from affiliated/other party committees should be properly disclosed on a separate Schedule(s) A, supporting Line(s) 12 of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing.
3. A review of the reports filed by your committee (see attached) indicates that your committee received one or more transfers from "Ingelheim PAC," "National Association of Mortgage Brokers," "Republican National Committee" and "Vorys, Sater, Seymour and Pease OH108" which has not been disclosed on their report(s) of receipts and disbursements. Please provide clarifying information regarding the source of the transfer(s) received by your committee.
4. Schedule A supporting Line 15 of the Detailed Summary Page discloses a

## OHIO REPUBLICAN PARTY STATE CENTRAL &amp; EXECUTIVE COMMITTEE

Page 2 of 4

refund(s) or rebate(s) of what appears to be a previously disclosed allocable expense(s) from "AT&T Internet." Please be advised that when a committee receives a refund or rebate of an allocable expense, it must be allocated between the federal and non-federal accounts according to the same allocation ratio used to allocate the original disbursement. Furthermore, the federal account must transfer the non-federal portion to the non-federal account and disclose this transfer-out on Schedule H4. Your report does not appear to disclose a transfer-out of the non-federal portion of this refund(s) or rebate(s). Please provide clarification regarding this apparent omission.

5. Schedule A supporting Line 15 of your report discloses a payment(s) from an organization(s) which is not a political committee(s) registered with the Commission (see attached). It appears the receipt(s) was for goods and/or services provided by your committee. Pursuant to Advisory Opinion 1979-18, the sale/purchase price paid to a political committee could involve the receipt of a contribution from a purchaser if the purchase price exceeds the "usual and normal charge". The term "usual and normal charge" for goods is defined as the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. 11 CFR §100.52(d)(1)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods and/or services at more than the usual and normal charge, the difference between the two is considered to be an in-kind contribution(s) received by your committee from an unregistered organization(s) and is prohibited subject to the limits set forth at 2 U.S.C. §§441a(f) and 441b or 11 CFR §102.5(b).

6. Schedule A supporting Line 17 of your report discloses one or more receipts totaling \$1,520 from "State of Ohio." Please amend your report to clarify the nature of these receipts.

7. Schedule B supporting Line 21(b) of your report discloses a payment(s) for "name branding web ads - not candidate specific" which appears to be disclosed on the wrong line of the Detailed Summary Page. Please be advised that Voter Identification, Generic Campaign and Get-out-the-vote activity conducted in connection with an election in which one or more candidates for Federal office appear on the ballot is considered to be Federal Election Activity. 11 CFR §100.24 Please amend your report to properly disclose this

## OHIO REPUBLICAN PARTY STATE CENTRAL &amp; EXECUTIVE COMMITTEE

Page 3 of 4

activity on Line 30(b) or provide clarification regarding this activity.

**8.** Schedule B supporting Line 29 discloses \$750,000 in transfers to what appears to be a non-federal account of your committee. Please provide further clarification regarding this transfer to your non-federal account.

You are advised that 11 CFR §102.5 prohibits a non-federal account from financing activity in connection with federal elections. If any of these disbursements were made to influence the election or defeat of specific federal candidates, the disbursements should be allocated accordingly and disclosed as either in-kind contributions on Schedule B supporting Line 23, independent expenditures on Schedule E supporting Line 24, or as coordinated expenditures on Schedule F supporting Line 25. 11 CFR §§104.3(b)(3) and 106.1 In addition, if your non-federal account has paid any expenditures which should have been allocated, you are advised to correct any non-compliance with 11 CFR §§106.6 and 106.7 and establish procedures to ensure future compliance with allocation regulations.

**9.** Schedule B supporting Line 30(b) of your report discloses a payment(s) for "AB chase printing and postage," "Absentee ballot chase printing and postage," "Slate card printing, postage & shipping," "Slate Card printing and postage," "Victory center phone bank lease" and "Victory Center phone bank minutes" which is categorized as Federal Election Activity and therefore, may require the disclosure of the candidate(s) this activity should be attributed to. Expenditures and disbursements for public communications that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, please be advised that public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

**10.** Schedule H4 of your report discloses a payment(s) for "HDQ - name branding web ads - not candidate specific - pd on AX 1" . Please be advised

## OHIO REPUBLICAN PARTY STATE CENTRAL &amp; EXECUTIVE COMMITTEE

Page 4 of 4

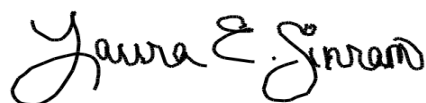
that 11 CFR §100.24(b) defines as Federal Election Activity, Voter identification, Generic Campaign and Get-out-the vote activities conducted in connection with an election in which one or more candidates for Federal office appear on the ballot. Furthermore, the costs for these types of Federal Election Activity must either be paid with federal funds or can be allocated between federal and Levin funds as long as the activity conducted does not refer to a clearly identified candidate for Federal office. It appears that you have allocated these costs between federal and non-federal funds. Any reimbursement from your committee's non-federal account for Federal Election Activity costs is not permissible and must be returned. 11 CFR §§300.32 and 300.33

Please inform the Commission of your corrective action immediately or provide clarifying information regarding this activity. Although the Commission may take further legal action regarding this apparent prohibited activity, your prompt action will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,



Laura Sinram  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Transfer Received Not Disclosed by Donor Committee**  
**Ohio Republican Party State Central Executive Committee (C00162399)**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
Republican National Committee	10/15/10	\$150,000.00	2010 30 Day Post-General
National Association of Mortgage Brokers	10/22/10	\$1,000.00	2010 30 Day Post-General
Vorys, Sater, Seymour and Pease OH108	10/28/10	\$3,500.00	2010 30 Day Post-General
Ingelheim PAC	11/15/10	\$1,000.00	2010 30 Day Post-General

**Clarify Usual and Normal Charge for Goods and Services to Unregistered Committee  
Ohio Republican Party State Central Executive Committee (C00162399)**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
OH Federation of Republican Women	10/25/10	\$416.60	2010 30 Day Post-General
OH Federation of Republican Women	10/25/10	\$416.60	2010 30 Day Post-General
O'Connor for Ohio Supreme Court	11/9/10	\$98.69	2010 30 Day Post-General
Re-Elect Justice Lanzinger Committee	11/9/10	\$98.69	2010 30 Day Post-General